

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

TROY D. NEWTON, )  
)  
Plaintiff, )  
)  
vs. )  
)  
NATIONAL WARRANTY OF FLORIDA, )  
INC.; LYNDON PROPERTY INSURANCE )  
CO., INC.; CHRIS CHISM; CENTRO )  
INSPECTION AGENCY; RONALD )  
BECKER; et al., )  
)  
Defendants. )  
)

CIVIL ACTION NO. CV-\_\_\_\_\_

**AFFIDAVIT OF RONALD J. BECKER**

STATE OF ALABAMA )

COUNTY OF JEFFERSON )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Ronald J. Becker, who is known to me, who, after being duly sworn, deposes and says as follows:

1. My name is Ronald J. Becker. I am over the age of nineteen (19) and reside in Gardendale, Alabama.

2. I am giving this affidavit in connection with the case of *Troy Newton v. National Warranty of Florida, Inc., et al.*, pending in the Circuit Court of Montgomery County, Alabama, CV-05-2604. I have personal knowledge of the facts and events testified to herein.

3. I am an independent inspector. In 2004, I was retained by Centro Inspection Agency to inspect Plaintiff's motor home, a 1996 Allegro, VIN 4UZR69R14T2307472, to determine the cause of engine failure of the motor home.

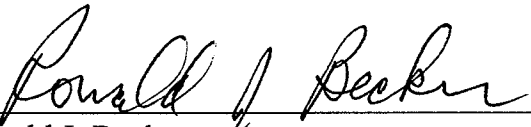
4. On August 9, 2004, I inspected Plaintiff's motor home. I could not determine the exact cause of failure. The engine needed to be disassembled to determine the exact cause of the knocking sound coming from the engine. I reported my findings to Centro Inspection Agency. A true and correct copy of my report is attached as Exhibit 1. On August 31, 2004, I inspected Plaintiff's 1996 Allegro motor home a second time. I reported my findings to Centro Inspection Agency. A true and correct copy of my report is attached as Exhibit 2.

5. I was not retained by Plaintiff nor requested by Plaintiff to inspect his motor home. I am not a party to any contract with Plaintiff. I have not entered into any contracts with Plaintiff individually or on behalf of another entity. To the best of my knowledge and memory, I have never spoken to the Plaintiff.

6. I made no decision as to any payment regarding Plaintiff's claim on the warranty in question. I do not process or adjudicate claims. I only inspect vehicles and report my findings.

7. I am not an employee of National Warranty of Florida, Lyndon Property Insurance Company, or Centro Inspection Agency. I am a self-employed, independent contractor.


Furthermore, Affiant saith not.

  
\_\_\_\_\_  
Ronald J. Becker

STATE OF ALABAMA            )  
COUNTY OF JEFFERSON    )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared **Ronald J. Becker**, who is known to me, who, after being duly sworn, deposes and says that he has read the above and foregoing Affidavit, and that said facts stated therein are true to the best of his knowledge and belief.

Sworn to and subscribed before me this 23<sup>rd</sup> day of ~~NOVEMBER~~, 2005.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Aug 20, 2006  
BONDED THRU NOTARY PUBLIC UNDERWRITE  
Aug 20, 2006  
KSO

(OFFICIAL NOTARY SEAL)

# **EXHIBIT 1**



**Return to Report**

**Order Information**

Client WARRANTY SERVICES  
Claim ID GSF64903  
Order Date 8/6/2004 4:06:27 PM  
Inspector Name RONALD BECKER  
Contract Number PZH  
Insured Party NEWTON  
Vehicle Year 1996  
Vehicle Make MOTOR HOME  
Vehicle Model ALLEGRO  
Vehicle VIN Number 4UZR69R14T2307472  
Vehicle Mileage 29233

**Facility Information**

Facility Name CUMMINS OF ALABAMA  
Facility Address 2200 PINSON HWY  
Facility City BIRMINGHAM  
Facility State AL  
Facility Contact FRED  
Adjuster JDK  
Adjuster Extension 5852  
Adjuster Email

**Reason For Inspection**

VERIFY ENGINE FAILURE, EXTENT OF DAMAGE,CYLINDER FAILURE

**Report Information**

Inspection Date 8/9/2004 12:15:00 PM  
Vehicle Year 1996  
Vehicle Make MOTOR HOME  
Vehicle Model ALLEGRO  
Current VIN Number 4UZR69R14T2307472  
Current Mileage 29233  
Vehicle Trim  
Labor Rate / Type 95 PROVIDED VERBALLY  
Engine Type 6B 5.9L TURBO  
Transmission / Model AUTO  
Wheel Drive Type REAR WHEEL DRIVE (RWD)

Engine Oil Level	Drained	Engine Oil Condition	Good
Coolant Level	Full	Coolant Condition	Good
Transmission Level	Full	Transmission Condition	Good
Power Steering Level	Full	Power Steering Condition	Good
Brake fluid Level	N/A	Brake Fluid Condition	N/A
Differential Fluid Level	N/A	Differential Fluid Condition	N/A
Transfer Case Level	N/A	Transfer Case Condition	N/A

**Miscellaneous Comments**

OIL FILTER ON VEHICLE IS FLEET GUARD. OIL FILTER WAS CHANGED ON 7/28/04.

Commercial Use ?	NO	Why	
Modifications ?	NO	What	
Collision ?	NO	Describe	
Tow Hitch ?	YES	Type	TOW BAR FOR CAR
Towed or Driven in	DRIVEN		
Belts	GOOD		
Hoses	GOOD		
Overall Condition	GOOD		

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Customer Complaint, Repair Order Number, Date Opened, Shop Name on Repair Order  
CHECK FOR KNOCKING.

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State of Assembly (be specific)  
THE ENGINE OIL PAN HAS BEEN REMOVED.

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Any recalls TSB's, Oasis/Function 70, Parts Warranty?  
NONE

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Failed Components and Extent of Damage  
THE OIL PAN DOES HAVE METAL SHAVINGS IN IT. THE #6 CYLINDER WALL IS SCORED ND  
THE INSIDE OF THE PISTON IS DARK BROWN FROM OVERHEATING. NONE IF THE OTHER 5  
PISTONS HAVE TURNED BROWN FROM OVERHEATING NOR ARE ANY SCORED. I  
OUCLDSEE THE SCORING IN THE #6 CYLINDER BUT I COULDN'T GET A GOOD PICTURE OF  
IT. ALL RODS APPEARED TO BE TIGHT.

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Measurements of Components  
NONE

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Cause of failure  
EXACT CAUSE OF FAILURE IS UNKNOWN. POSSIBLE BROKEN PISTON COOLING NOZZLE  
OR BROKEN PISTON RING.

Recommendations for Repair  
NEED TO DISASSEMBLE ENGINE TO FIND EXACT CAUSE OF KNOCKING.  
Inspector Signoff

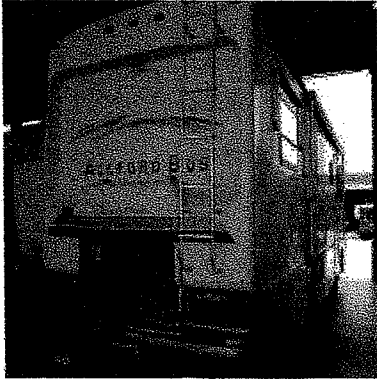
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Notes: MOTORHOME

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Notes: VIN 4UZR69R14T2307472



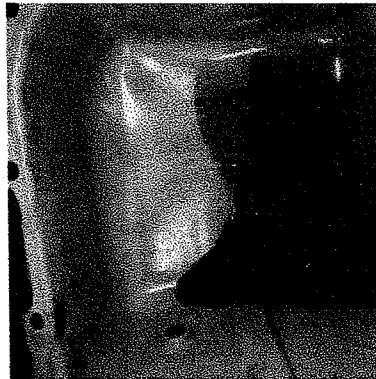
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Notes: ODOMETER 29233



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Notes: OIL PAN WITH FINE METAL IN IT



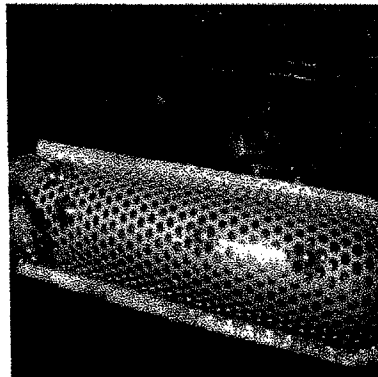
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Notes: OIL FILTER



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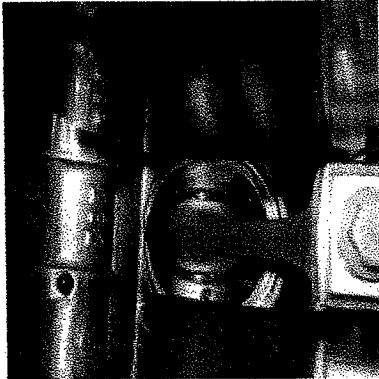
Notes: PICK UP SCREEN WITH NO SLUDGE



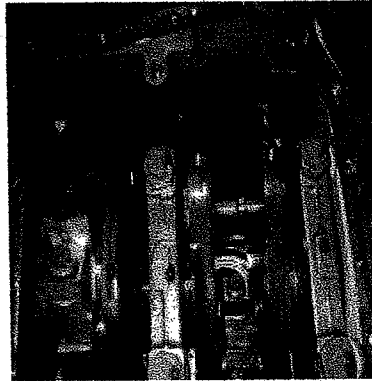
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Notes: #6 PISTON THAT WAS DISCOLORED FROM OVERHEATING: CAN'T SEE SCORING IN CYLINDER WALL FROM THIS ANGLE

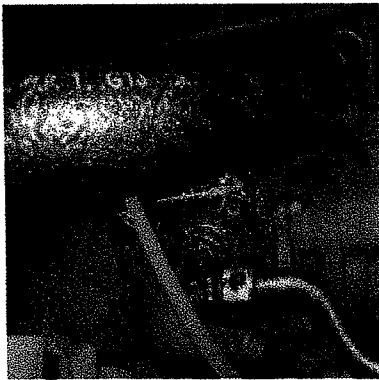


Notes: ADDITIONAL PICTURE OF CRANKSHAFT AND PISTONS



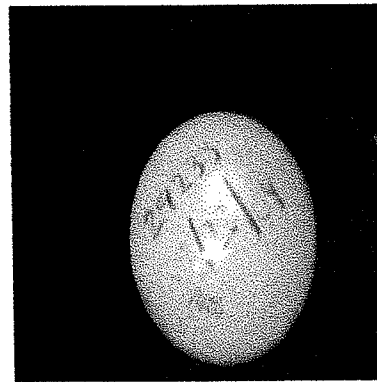
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Notes: LEAKING AIR COMPRESSOR



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Notes: DATE OF LST OIL FILTER CHANGE





# **EXHIBIT 2**



Return to Report

Order Information

Client WARRANTY SERVICES  
Claim ID GSF64903-R  
Order Date 8/30/2004 12:35:59 PM  
Inspector Name RONALD BECKER  
Contract Number PZH4599567  
Insured Party NEWTON  
Vehicle Year 1996  
Vehicle Make MOTOR HOME  
Vehicle Model ALLEGRO  
Vehicle VIN Number 4UZR69R14T2307472  
Vehicle Mileage 29233

Facility Information

Facility Name CUMMINS OF ALABAMA  
Facility Address 2200 PINSON HWY  
Facility City BIRMINGHAM  
Facility State AL  
Facility Contact DAVID  
Adjuster JDK  
Adjuster Extension 5852  
Adjuster Email

Reason For Inspection

VERIFY CYLINDERS FAILURE VERIFY WATER PIPE FAILURE-IS THIS CAUSE OF FAILURE OR  
RESULT OF FAILURE/OVERHEAT? VERIFY EXTENT OF ENGINE DAMAGE DAMAGE CAUSED  
BY OVERHEAT?

Report Information

Inspection Date 8/31/2004 3:30:00 PM  
Vehicle Year 1996  
Vehicle Make MOTOR HOME  
Vehicle Model ALLEGRO  
Current VIN Number 4UZR69R14T2307472  
Current Mileage 29233  
Vehicle Trim  
Labor Rate / Type 95 PROVIDED VERBALLY  
Engine Type 6B 5.9L INLINE 6 TURBO CHARGED  
Transmission / Model AUTO  
Wheel Drive Type REAR WHEEL DRIVE (RWD)

Engine Oil Level	Drained	Engine Oil Condition	Good
Coolant Level	Drained	Coolant Condition	Good
Transmission Level	Full	Transmission Condition	Good
Power Steering Level	Full	Power Steering Condition	Good
Brake fluid Level	N/A	Brake Fluid Condition	N/A
Differential Fluid Level	N/A	Differential Fluid Condition	N/A
Transfer Case Level	N/A	Transfer Case Condition	N/A

Miscellaneous Comments

OIL FILTER ONVEHICLE IS FLEET GUARD.

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Commercial Use ?	NO	Why	
Modifications ?	NO	What	
Collision ?	NO	Describe	
Tow Hitch ?	YES	Type	TOW BAR FOR CAR
Towed or Driven In	DRIVEN		
Belts	GOOD		
Hoses	GOOD		
Overall Condition	GOOD		

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Customer Complaint, Repair Order Number, Date Opened, Shop Name on Repair Order  
CHECK FOR KNOCKING.

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**State of Assembly (be specific)**

THE ENGINE HAS BEEN REMOVED AND THE HEAD, PAN, AND THE #6 ROD AND PISTON HAVE BEEN REMOVED.

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**Any recalls TSB's, Oasis/Function 70, Parts Warranty?**

NONE

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**Failed Components and Extent of Damage**

THE #6 PISTON AND CYLINDER WALL ARE SCORED. NO DAMAGE TO ROD OR MAIN BEARINGS AND NO DAMAGE TO THE OTHER FIVE PISTONS OR CYLINDERS. THERE IS A HAIR LINE CRACK ON THE BOTTOM THREAD OF A 5/8" WATER PIPE SCREWED INTO THE THERMOSTAT HOUSING ON THE HEAD. NO SIGN OF EXTERNAL ENGINE OVERHEATING.

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**Measurements of Components**

NONE

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**Cause of failure**

EXACT CAUSE OF FAILURE IS UNKNOWN. BECAUSE OF THE HAIRLINE CRACK IN THE 5/8" WATER PIPE, ITS POSSIBLE THAT AN AIR LOCK FORMED AROUND THE #6 CYLINDER WATER JACKET. THE AIR LOCK MIGHT THEN HAVE CAUSED THE #6 CYLINDER TO OVERHEAT.

**Recommendations for Repair**

REPLACE THE ENGINE WITH A REMAN. NOTE THIS BLOCK CAN'T BE BORED AND IT CAN'T BE SLEEVED.

**Inspector Signoff**

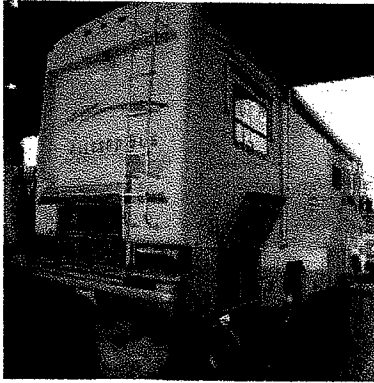
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Notes: VEHICLE

Notes: VIN 4UZR69R14T2307472



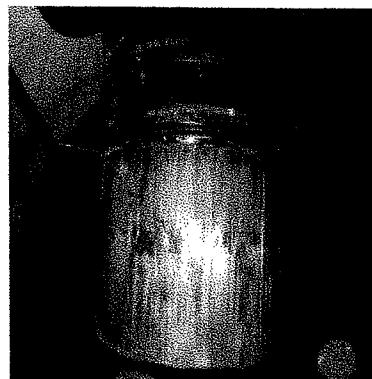
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Notes: ODOMETER 29233



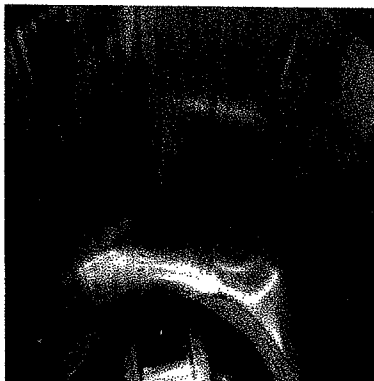
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Notes: SCORED #6 PISTON



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Notes: SCORED #6 CYLINDER WALL



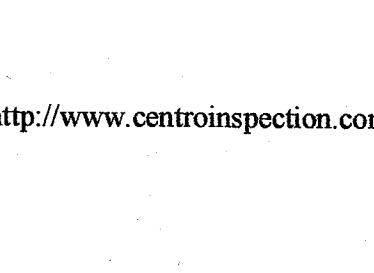
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Notes: #5 CYLINDER AND PISTON



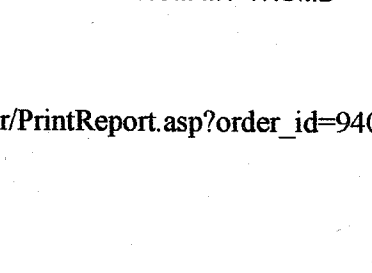
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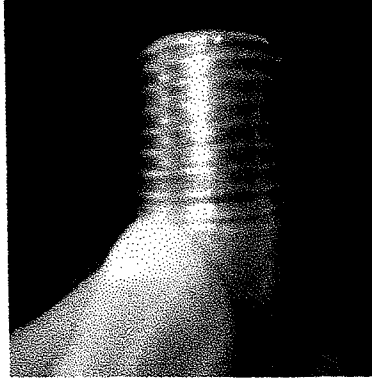
Notes: PIPE ASSEMBLY



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Notes: HAIRLINE CRACK IS ON THE SECOND  
THREAD FROM MY THUMB

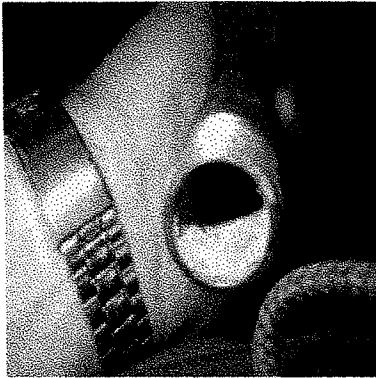




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Notes: RUSTY AREA INSIDE PIPE  
WHERE THE CRACK IS LOCATED



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Notes: BROWN AREA IS WHERE PIPE SCREWED  
INTO THE HEAD; BROWN IS CORROSION FROM  
LEAKAGE

